

Robert W. Teets  
Vice President, Environmental Affairs and Risk Management



January 29, 2003

Rebecca Kane  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
Mail Code 222A  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

**Re: Enforcement and Compliance History On-line (ECHO) Website**

Dear Ms. Kane:

The following are Cooper Industries, Inc.'s response to the U.S. EPA's "Specific Questions for Consideration" regarding ECHO:

- (1) Does the site provide meaningful and useful information about the compliance and enforcement program?

Cooper's Response: ECHO is confusing and inaccurate.

It is difficult to identify currently active Cooper Industries ("CI") facilities. There is no seeming rhyme or reason to the response of the search engine to the input of the selection criteria. For example, if one searches under "Cooper Industries" with no SIC code specified, one obtains 84 "hits" or possible selections from the search engine, only 14 of which are current CI sites. If one specifies a SIC code, the results are still problematic. For example, if one searches under "Cooper Industries" with a SIC code of 36, one obtains 21 hits, only 6 of which are current CI sites. If one searches under "Cooper Industries" with a SIC code of 35, one obtains 22 hits, only 5 of which are current CI sites. Instead, if one searches under specific names of Cooper Industries divisions, still other combinations of erroneous results are obtained. For example, if one searches under "Cooper Lighting" with no SIC code specified, one obtains 1 hit, a Federal-Mogul Corporation facility in Boyertown, Pennsylvania, which has not been part of Cooper Industries since 1998. Yet, some active Cooper Lighting facilities did show up under the Cooper Industries/SIC code 36 search. Searching under "Cooper Power Systems" with no SIC code specified resulted in 18 hits, which included locations in Macomb, Illinois; Zanesville, Ohio and Canonsburg, Pennsylvania, and a site at N25 W23131 Paul Road in Pewaukee, Wisconsin, none of which are currently part of Cooper Industries or Cooper Power Systems. This search also turns up two general hits for unspecified locations in

Pennsylvania and South Carolina. A search under "Cooper Tools" with no SIC code specified resulted in 28 hits, of which only 14 are current CI locations.

Also, there was no consistent overlap among the various searches. For example, the Cooper Tools search turned up the facility at 7007 Pinemont Drive in Houston, Texas, but it was listed as "Dresser Industries (Tool Div.)" and it was not turned up by any other "Cooper" related search.

We had to perform a total of 10 different searches and eliminate duplicates and non-active or non-Cooper facilities before we were finally able to locate the listings of 43 active Cooper Industries facilities.

In conclusion, if ECHO is adopted, there will be an unreasonable burden on industry to try to continually monitor and correct the data. Furthermore, such a monitoring/correction effort would divert resources away from ongoing compliance management.

(2) Is the site easy to navigate?

Cooper Response: The site is easy to navigate in that it is easy to understand what entries to make in the various query boxes to request a search for a particular facility. However, as shown in Cooper's response to No. 1 above, the answers to a search request are not reliable.

(3) Does the help text adequately explain the data?

Cooper Response: The "Data Dictionary" is generally acceptable.

(4) What additional features, content, and/or modifications would improve the site?

Cooper Response: If ECHO is adopted, it should be modified so that it is easy to determine:

- (a) The name of the company or individual who currently owns each facility;
- (b) Whether the facility is operating; and
- (c) A better description of any alleged non-compliance as well as the specific source of the data upon which the alleged non-compliance is based. This would make it much easier to correct inaccurate data. When there is an alleged non-compliance, there should be some description of the gravity of the alleged non-compliance (for example, details that would allow the reader to discern whether the alleged non-compliance involves recordkeeping, labeling, training, permit violations, spills, etc.)

(5) For members of the regulated community:

(a) Were your facility reports accurate?

Cooper Response: No. See response to No. 1 above.

(b) If you did need to submit an online error report, was the error reporting process easy to use?

Cooper Response: It was easy to locate the "Report Error" button at the top of the Detailed Facility Report page for each individual facility, and it was easy to fill in the information. However, the initial response from the EPA contractor, Abt Associates, Inc., was generally not helpful. The problems which Cooper Industries identified among the active Cooper facilities and the response to each is as follows. The Cooper Power Systems facility at 1045 Hickory Street, Pewaukee, Wisconsin 53072 was indicated as being out of compliance for all eight quarters covered by the time frame of the Compliance Summary Data report, January 2001 through December 2002, due to a violation of RCRA "generator – land ban requirements" that was alleged to have occurred on June 10, 1988. The facility environmental manager could not find a record of such a violation in his files and submitted an error report requesting more information about the specific violation. He received a standard response directing him to "contact the regulatory official who deals most closely with the program and permit in question. They may work at the State's environmental agency, in local government, or at the Regional EPA office." The environmental manager at the Pewaukee facility spoke with Ms. Cora Helm of EPA Region 5, who said that her files were very generic and that she really could not tell what the specific issue was. All she could see was that the facility was issued a Notice of Violation in June of 1988, and that the facility was returned to compliance on October 8, 1991. She made the correction in her system on or about December 18, 2002. Ms. Helm expected that the ECHO database would be updated monthly and that we would see the corrected report in January 2003. However, as of January 29, 2003, the report is still not corrected.

The Cooper Power Systems facility at 2800 9<sup>th</sup> Avenue in South Milwaukee, Wisconsin 53172 was shown as out of compliance for RCRA "generator – manifest requirements" from September 30, 1991 through December 5, 2001. The facility environmental manager has found that a hazardous waste manifest discrepancy did occur in 1991, but that documentation verifying correction of the problem was made and sent to the Wisconsin Department of Natural Resources within 30 days of the inspection. He has submitted this correction using the report error button on the ECHO Website, but as of January 29, 2003, he has received no definitive response from the EPA and no correction has been made to ECHO.

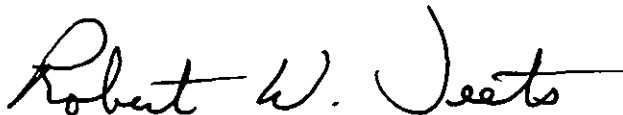
The Cooper Hand Tools facility in Cullman, Alabama, is shown as out of compliance with RCRA TSD general standards on September 25, 2001 and on October 11, 2001. The facility had received a warning letter from the Alabama Department of Environmental Management ("ADEM") on September 27, 2001, stating that ADEM believed the facility to be a treatment, storage and disposal facility for hazardous waste based on historical files, and requested that EPA form 8700-12 "Notification of Hazardous Waste Activity" be modified to so reflect. The

requested response was provided by the facility on October 11, 2001. An error report was sent to EPA using the report error button. Two responses were received on December 12, 2002, the first from the [ErrorTracker@sdc-moses.com](mailto:ErrorTracker@sdc-moses.com) stating that the error notification did not fall within the purview of the EPA Error Correction process and that it had been forwarded to the ECHO User Support. The second response was received later on December 12, from Abt Associates, indicating that we should contact the regulatory official who deals most closely with the program or permit. Our office made repeated calls to ADEM and on January 9, 2003, received a call from Kelly Lockhart of ADEM, who advised that ADEM's records showed the facility as out of compliance for 17 days, from September 25, 2001 until October 11, 2001, based on the submission of the corrected EPA Form 8700-2. The public may be confused by the EPA's practice of showing the date on which a facility is deemed to be returned to compliance as a date of a violation. Based on the manner in which the EPA reports the data, the public may believe that the facility was not in compliance for two full quarters during the two year period, or 25% of the time, instead of only 17 days out of 730 days, or 2.3% of the reporting period.

In conclusion, the error reporting process must be significantly improved in order to avoid unfairness to industry and confusion among the users of ECHO.

Finally, due to all of the current problems of ECHO identified above, and the likelihood that those problems cannot be satisfactorily corrected, Cooper strongly urges that the EPA not adopt ECHO. Cooper submits that ECHO will create and/or perpetuate so much inaccurate and confusing information that the goals of ECHO will not be achieved, and in fact more harm than good will result.

Sincerely,

A handwritten signature in black ink that reads "Robert W. Teets". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Robert W. Teets

RWT/ja:kane

cc: Diane Schumacher  
John Baker  
John Breed  
Ron Sandberg